In the High Court of Punjab and Haryana at Chandigarh.

RSA No.2868 of 2005
Date of decision:05.07.2007.

Jug Lal ....Appellant.

Versus

Om Parkash ....Respondent.

CORAM: HON'BLE MR. JUSTICE PERMOD KOHLI.

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Present: Mr.Naresh Shekhawat, Advocate.
Mr.SN Yadav, Advocate.
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PERMOD KOHLI, J. (Oral).

I have heard the learned counsel for the parties at length.

This is defendant's second appeal against the concurrent findings of fact recorded by the learned Courts below. The respondent herein filed a suit for possession of a plot measuring 201 square Yards situated in Ward No.8, Kanina, Tehsil and District Mahendergarh, surrounded by boundary wall and a kacha chapper etc. on the strength of sale deed dated 26.09.1990. The appellant resisted the suit on the plea

that the property has been acquired by him on the basis of family settlement dated 02.11.1968 for a consideration of Rs.500/-. In the alternative he claimed adverse possession . The learned Trial Court decreed the suit in favour of the respondent on the basis of the sale deed and rejected the contention of the appellant by holding that he is not the owner in possession of the suit property either on the basis of family settlement or the adverse possession. An appeal preferred by the appellant in the Court of

learned Additional District Judge, Narnaul, against the judgment and decree dated 23.08.1996 of the learned Trial Court also resulted in dismissal vide judgment and decree dated 13.11.2000 of the learned Lower Appellate Court.

Both the learned Courts below have recorded concurrent findings of fact regarding the right of the respondent to seek possession on the strength of the sale deed. The appellant has not been able to prove either of the pleas before the learned Courts below. It may be observed that the pleas raised by the appellant are otherwise also self-contradictory and mutually exclusive. If the appellant had the permissive possession, there is no question of adverse possession which is a consequence of hostile possession. Both the learned Courts below have rightly rejected the

contention raised by appellant. No substantial question of law is involved in this appeal. The same is hereby dismissed. No costs.

(PERMOD KOHLI)
JUDGE

July 05, 2007
BLS